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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,580	06/03/2002	Peter Kancsar	ATM-2241	8016

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Fisher, Christen & Sabol
1725 K Street NW
Suite 1108
Washington, DC 20006

EXAMINER

ARNOLD III, TROY G

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 06/17/2004

121

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/926,580

Applicant(s)

KANCSAR ET AL.

Examiner

Troy Arnold

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-12, 16-21, 24-26, 28-30 and 32 is/are rejected.
- 7) ☒ Claim(s) 13-15, 22, 23, 27 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9, 10, 16-19, 24, 25, 28-30 and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tannenbaum US Patent No. 5,150,793 in view of Leblong, US Patent No. 5,758,774. Tannenbaum teaches all the limitations of claim 9 except a tear off strip which partly covers the opening slot. (In Tannenbaum, the opening slot is the open top part of the housing 32, which reads on the claimed outer pack 10.) Leblong teaches tear off strips 26,27 which cover opening slots. It would have been obvious in view of Leblong to one of ordinary skill in the art at the time the invention was made to incorporate a tear off strip across the central opening of the housing 32 of Tannenbaum for the purpose of protecting the blister pack against tampering or undesirable movement before manipulation by the intended user. Regarding claim 10, Leblong's weakening line is a perforation line, as is clearly seen in Figs 1 and 2. Regarding claims 16-19, Tannenbaum teaches a spring element, taught in column 5, beginning line 4. The spring element is part of the blister pack, as is seen in Fig 3. Regarding claims 24, 25 and 28, the "single cut" taught by Tannenbaum comprises the open top portion. Regarding claims 29, 30 and 32, the joining of two of Tannenbaum's packages side to

side is clearly well within the capability of one of ordinary skill in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine two of Tannenbaum's packages so that they were mirror symmetrical for the purpose of selling the dispensed items in greater quantities. This argument applies similarly to the limitations claimed in claims 33-36. It would be obvious to put several of Tannenbaum's packages together so that they were separable by a perforated strip, for the reason given above.

Claims 11, 12, 20, 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tannenbaum as modified regarding claim 9 and further in view of Official Notice. Tannenbaum as modified regarding claim 9 teaches all the limitations of claims 11 and 12 except the removal opening 36 being covered by a push-through seal. Official Notice is taken that push-through seals are old, obvious and well known in the packaging arts. It would have been obvious in view Official Notice taken to one of ordinary skill in the art at the time the invention was made to cover openings 36 of Tannenbaum with push-through seals in order to better protect the integrity of the entire package. Tannenbaum teaches the limitations of claims 20, 21 and 26 as noted above.

Allowable Subject Matter

Claims 13-15, 22, 23, 27 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Arnold whose telephone number is 703-305-0621. The examiner can normally be reached on Tuesday-Thursday, 9-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 703-308-2672. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Troy Arnold
Examiner
Art Unit 3728

TGA
6/10/04



Mickey Yu
Supervisory Patent Examiner
Group 3700